

Jefferson City Board of Adjustment

December 8, 2015

**Case No. B15007
River City Habitat for Humanity
1211 Cottage Lane**

Side Setback Variance

STAFF REPORT
BOARD OF ADJUSTMENT – CITY OF JEFFERSON, MISSOURI
December 8, 2015

Case No. B15007 – 1211 Cottage Lane; Side Setback Variance. Application filed by River City Habitat for Humanity, property owner, for a 1.5 foot variance from the side setback requirement of 7 feet to allow a setback of 5.5 feet. The property is located on the north side of Cottage Lane 220 feet west of Houchin Street and is described as Lot 15 and part of Lot 16 of Houchins Addition, Jefferson City, Missouri.

PUBLIC NOTICE

By publication in the newspaper, letter to adjacent and affected property owners within 185 feet, and by property sign posting.

NATURE OF REQUEST

This property consists of a vacant lot in an RS-4 Single Family Residential zoning district. A house that had existed on the property for many years was demolished in the late 1990's. The side setback requirement for the RS-4 district is 7 feet. River City Habitat for Humanity has acquired the property and would like to construct a 26'6" wide house on the property with driveway beside the house. A utility pole and row of bushes on the eastern side of the property complicates the site design, and the owner has applied for a side setback variance in order to shift the house to the western side of the property and allow room for the driveway without having to relocate the utility pole.

ZONING AND SURROUNDING LAND USE

The subject property is zoned RS-4 Single Family Residential.

	Surrounding Zoning	Surrounding Uses
North	RS-4	Single Family Residential
South	RS-4	Single Family Residential
East	RS-4	Single Family Residential
West	RS-4	Single Family Residential

STAFF ANALYSIS

The property is 48 feet wide, which is less than the normally required lot width of 50 feet for the RS-4 district. The normal side setback for a driveway is 2 feet, and this proposal would result in a 3 feet setback of the driveway from the eastern property line. The utility pole adjacent to the street at the southeast corner of the property forces the driveway further from the side property line than the minimum requirement. When combined with the substandard width of the property, the utility pole appears to create a practical difficulty in arranging a house and driveway on the lot according to normal zoning code setback requirements.

A 10 feet wide platted alley exists on the western side of the property. Although the alley was never constructed, its presence serves as a further separation from neighboring property in addition to the setback for the structure.

FINDINGS REQUIRED

Please refer to the handout provided for the required General Findings and Specific Findings. The applicant has provided responses to the required findings. In reviewing this case, the Board may wish to consider the following questions:

1. Are there any practical difficulties unique to this property which under strict and literal adherence to the provisions of the zoning regulations would cause the applicant an unnecessary hardship?
2. Would the appearance and value of surrounding properties be damaged if the variance is granted?

Finding	Yes	No	Comments
Not eliminate an adequate supply of light or air to adjacent property.	X		The requested variance is adjacent to a platted alley and would have minimal effect on the supply of light and air to the neighboring property.
Not substantially increase congestion in the public street.	X		A 12 feet wide driveway is accommodated with the request. The requested variance would not increase congestion on the street.
Not increase the danger of fire or endanger the safety of the public.	X		The requested variance is adjacent to an unconstructed alley and would not affect access for emergency vehicles.
Not be unduly injurious to the use and enjoyment of adjacent property.	X		The adjacent property would be separated from the structure by the 10' wide alley and would retain access to the alley.
Not substantially diminish property values in the neighborhood.	X		The variance would allow for driveway access on the side of the house and the arrangement of the house on the lot would be similar to other houses on Cottage Lane, many of which have setbacks less than current Zoning Code requirements.
Be in keeping with the general spirit and intent of the zoning code.	X		The requested variance addresses the difficulty of locating an appropriately sized house with driveway on an undersized lot with a fairly minor reduction in setback.

STAFF RECOMMENDATION

The required findings appear to be met. The setback variance is requested in order to address site design issues associated with existing lot width and the presence of a utility pole. The impact of a reduced setback for the house would have a minimal impact on surrounding property due to the presence of an unconstructed alley and would result in a site design similar in nature to the existing houses on Cottage Lane.

FORM OF MOTION

Motion to approve a variance of 1.5 feet from the side setback requirement of the RS-4 district of 7 feet to allow as side setback of 5.5 feet.

VARIANCE DENSITY AND DIMENSIONAL STANDARDS

GENERAL FINDINGS 35-73.B.4.(b):

Before granting any variance, the Board **shall** find the proposed variance, if granted, would:

		YES	NO
1.	Not eliminate an adequate supply of light or air to adjacent property, substantially increase congestion in the public street, increase the danger of fire, or endanger the safety of the public; and		
2.	Not be unduly injurious to the use and enjoyment of adjacent property nor would it substantially diminish property values in the neighborhood; and		
3.	Be in keeping with the general spirit and intent of this chapter.		

SPECIFIC FINDING 35-73.B.4.(c):

In addition to the general findings, the Board **shall** also find:

		YES	NO
1.	That there are practical difficulties associated with the premises which under strict and literal adherence to the provisions of this chapter would cause the applicant an unnecessary hardship.		
DEFINITIONS: Practical Difficulties. The term may include, but not necessarily be limited to difficulties caused by parcel size, shape, narrowness, shallowness, topography, physical surroundings or other special circumstance, and the special circumstance is peculiar to the premises and does not generally apply to other lands in similar zoning districts in the city and, further, the circumstance would prevent the applicant from using or developing the property in a manner equivalent to the use or development occurring on neighboring properties in the same zoning district. Unnecessary hardship. A hardship which is unnecessary in the sense that the preservation of the spirit and intent of this chapter does not depend on the denial of the variance.			

EXTENT OF VARIANCE LIMITED 35-73.B.5.(a)

A variance, if granted, shall be limited to the minimum variance necessary to resolve, in whole or in part, the particular problem of the applicant.

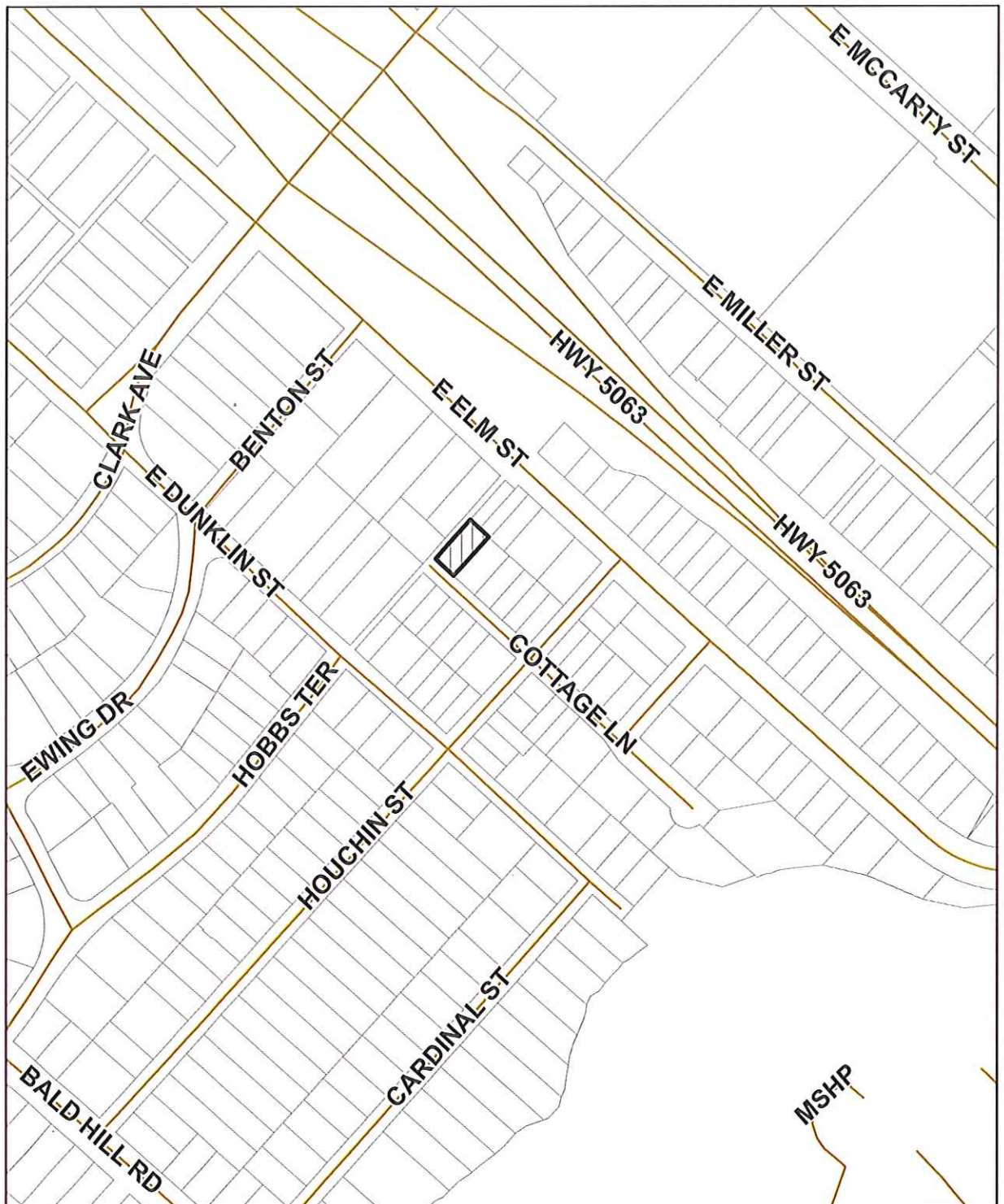
CONDITIONS 35-73.B.5.(c)

In granting a variance, the Board may impose such conditions upon the premises receiving the variance as may be necessary to ensure that the variance will not:

		YES	NO
1.	Be unduly injurious to the use and enjoyment of other property in the immediate vicinity.		
2.	Have a significant adverse affect on property values in the neighborhood.		
3.	Endanger or be detrimental to the public health, safety or general welfare of the citizens of the city.		

City of Jefferson Board of Adjustment

VICINITY



Case No. B15007
Side Setback Variance
1211 Cottage Lane

0 100 200 400 Feet



City of Jefferson Board of Adjustment

LOCATION MAP



Case No. B15007
Side Setback Variance
1211 Cottage Lane

0 20 40 80 Feet

A horizontal scale bar with four segments. The first segment is labeled '0', the second '20', the third '40', and the fourth '80 Feet'.



City of Jefferson
Department of Planning & Protective Services
320 E. McCarty Street
Jefferson City, MO 65101
Phone: 573-634-6410
jcplanning@jeffersoncitymo.gov

Date filed:



APPLICATION TO THE BOARD OF ADJUSTMENT

- The undersigned hereby request(s) the following:
 - ☐ Appeal (Section 35-73C)
 - ☐ Conditional Use Permit (Section 35-73A; Section 35-71, Site Plan)
 - ☒ Variance (Section 35-73B; Section 35-71, Site Plan)
 - ☐ Chapter 3, Advertising and Signs: Conditional Use Sign Permit
 - ☐ Chapter 8, Article V, Flood Hazard Regulations; Variance to Flood Hazard Regulations
 - ☐ Other (including Interpretations; please describe in #2 below)
- Describe exactly the type of project proposed or what is being requested and the purpose of the request. Cite affected Section numbers if known (or attach separate sheet).

Request a change in the left side setback from 7' to 5.5' for 1211 Cottage Lane.

- The application is filed for the following described real estate: (the correct legal description of the property must be printed below or attached to this application).

A. Street Address: 1211 Cottage Lane

B. Property Description: see Attached

- A site plan in accordance with Section 35-71 is required for conditional use permits and variance applications. A "sketch" site plan may be required for other applications such as conditional use sign applications. A check in the amount of \$210.00* payable to the "City of Jefferson" for the application filing fee must be attached to this application. *Revised June 30, 2015.
- Variance applicants must complete the attached Variance Affidavit. Each question must be answered and the affidavit must be signed by the applicant(s) and notarized.
- The undersigned certify to be all of the owner(s) of the above described property. (All owners of this property must sign and the signatures must be notarized).

Kelly A. Smith
Property Owner Name (type or print)
Executive Director

Kelly A. Smith
Property Owner Signature

Property Owner Name (type or print)

Property Owner Signature

Subscribed and sworn before me this 13th day of November, 2015.

Teresa J. Stull
Notary Public

Applicant (if different from property owner):

Name	<u>Kyle R. Kittrell</u>
Mailing Address	<u>1420 Creek Trail Drive 65109</u>
Phone Number	<u>573-353-3662</u>

Specific information may be required depending upon type of application. Please refer to the appropriate Chapter. Other permits, including building permits and sign permits may be required in addition to Board actions. Please seek advice of City staff or your consultant, if applicable.

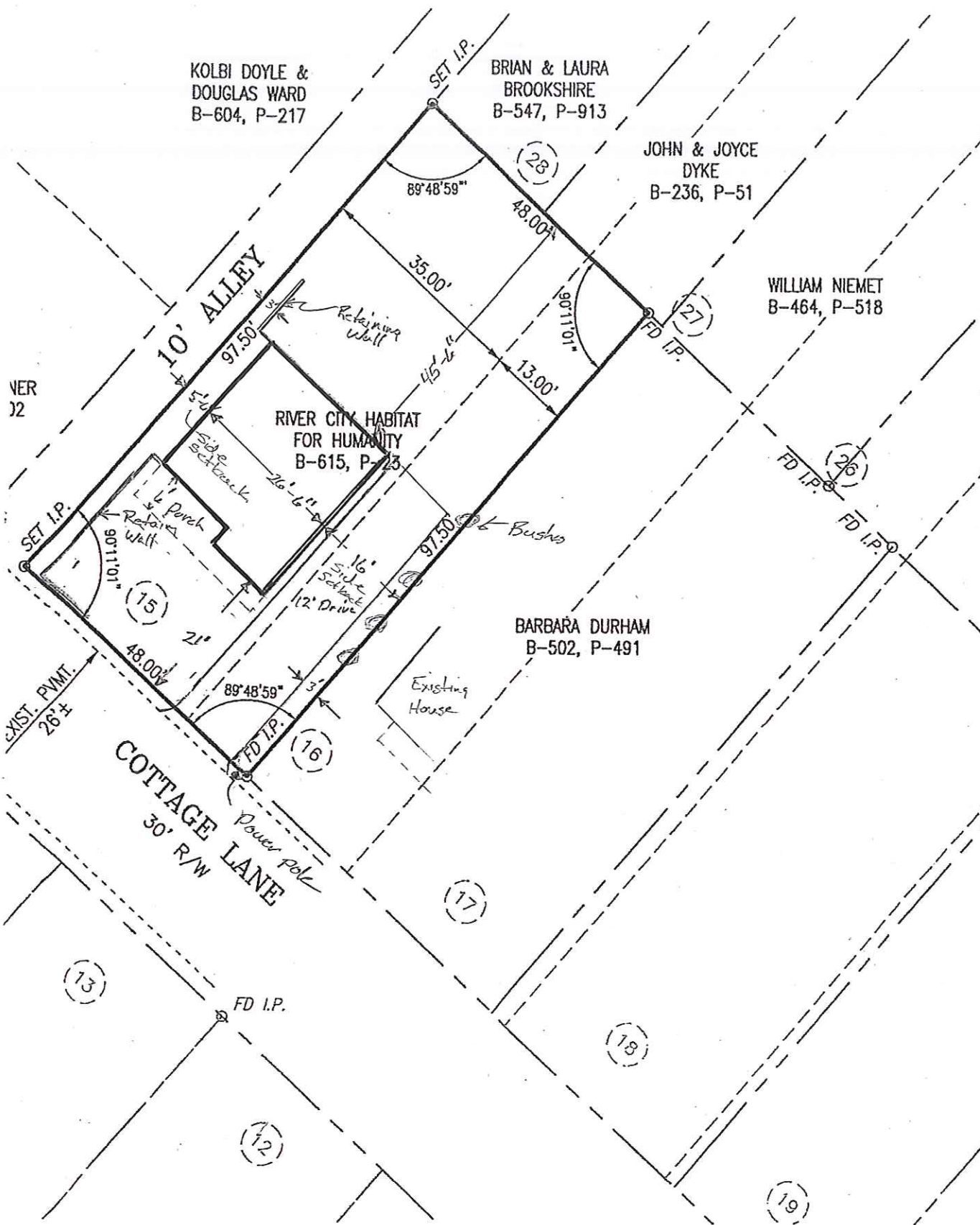
Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.



TERESA J. STULL
My Commission Expires
February 4, 2018
Cole County
Commission #14575039

PROPERTY BOUNDARY SURVEY

PROPERTY DESCRIBED IN BOOK 615, PAGE 23;
1211 COTTAGE LANE





Parcel ID	1104170004002029	Property Description	LOT 15 & W-LY 13' LOT 16
Owner Name	RIVER CITY HABITAT FOR HUMANITY	Sec/Twn/Rng	17/44/11
Mailing Address	1420 CREEK TRAIL DR	Square Feet (Above Grade)	0
City State ZIP	JEFFERSON CITY, MO 65109	Basement Type	
Property Address	1211 Cottage Ln	Finished Bsmnt. Size (Sq. Ft.)	
Subdivision	HOUCHINS ADDN	Year Built	0
Subdivision Image	HOUCHINS ADDN	Appraised Value	\$7,000

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 25 feet
11/13/15

ZONING VARIANCE AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF COLE) ss.

Kyle R. Kittrell of the City of Jefferson, Missouri,
being first duly sworn, deposes and says:

I have personal knowledge of the facts herein set forth:

1. Will your proposed variance eliminate an adequate supply of light to the adjacent property?
State all reasons for your answer and use additional pages to complete your answer if necessary. *No it will not. On the left side of the property there is a 10' Alley. This would provide a 15.5' Clear area to the adjacent property line. This would allow for 16' Clear to the property line on the right side.*
2. Will your proposed variance eliminate an adequate supply of air to the adjacent property?
State all reasons for your answer and use additional pages to complete your answer if necessary. *No it will not. Same answer as No. 1*
3. Will your proposed variance substantially increase congestion on the public street?
State all reasons for your answer and use additional pages to complete your answer if necessary. *No it will not. The flow of traffic is very low on this short street. This variance will not change the flow patterns.*
4. Will your proposed variance increase the danger of fire? State all reasons for your answer and use additional pages to complete your answer if necessary.
This variance will not change access to any of the houses along Cottage or Elm.
5. Will your proposed variance endanger the safety of the public? State all reasons for your answer and use additional pages to complete your answer if necessary.
The variance will not result in any increased safety hazards.

6. Will your proposed variance be unduly injurious to the use and enjoyment of the adjacent property? State all reasons for your answer and use additional pages to complete your answer if necessary. *No it will not. The adjacent property owner on the left will still have access to the Alley.*
7. Will your proposed variance substantially diminish property values in the neighborhood? State all reasons for your answer and use additional pages to complete your answer if necessary. *No it will not. The houses on Cottage are on small lots and close together. With the Alley on the left, this variance will not be noticeable.*

The Answers set forth herein are based on my knowledge and are true to the best of my information, knowledge and belief

FURTHER AFFIANT SAYETH NOT.

[Signature]

State of Missouri)
)
County of Cole)

Subscribed and sworn to before me this 13th day of November in the year 2015

[Signature]
Notary Public

My commission expires: 2-4-2018



TERESA J. STULL
My Commission Expires
February 4, 2018
Cole County
Commission #14575039

City of Jefferson

Department of Planning & Protective Services
320 E. McCarty St.
Jefferson City, MO 65101



Carrie Tergin, Mayor

Janice McMillan, AICP, Director
Phone: 573-634-6410
Fax: 573-634-6562

November 24, 2015

Dear Property Owner:

This letter is to notify you that the Jefferson City Board of Adjustment will meet at 7:30 a.m. on the morning of Tuesday, December 8, 2015 in the Council Chambers of the John G. Christy Municipal Building, 320 E. McCarty Street, to consider the following item of business:

Case No. B15007 – 1211 Cottage Lane; Side Setback Variance. Application filed by River City Habitat for Humanity, property owner, for a 1.5 feet variance from the side setback requirement of 7 feet to allow a setback of 5.5 feet. The property is located on the north side of Cottage Lane 220 feet west of Houchin Street and is described as Lot 15 and part of Lot 16 of Houchins Addition, Jefferson City, Missouri.

As an adjoining landowner and/or neighbor, you have the privilege of attending this hearing. Unfortunately, we are unable to record comments received by telephone, but written comments will be made part of the official record. Written comments may be directed to the Board of Adjustment in one of the following ways:

e-mail: jcplanning@jeffersoncitymo.gov

fax: Department of Planning & Protective Services, Planning Division, 573-634-6457

mail: Department of Planning & Protective Services / Planning Division
John G. Christy Municipal Building, 320 E. McCarty Street, Jefferson City, MO 65101

Written comments must be received before 5:00 p.m. Monday, December 7, 2015 and will be copied and distributed to Board members at the meeting. Correspondence and other items received at the time of the meeting will be included in the official record, but may be delivered to the Chairman only; there is no guarantee that copies will be made for distribution to all Board members. Interested parties who are unable to provide written comment in advance are invited to deliver their comments to the Board Chairman at the time of the meeting.

Information regarding this case may be viewed on the Board of Adjustment webpage at:

<http://www.jeffersoncitymo.gov/pps/planning/boardofadjustment.html>

If you have any questions concerning this matter, please feel free to contact me at 573-634-6475.

Sincerely,

Eric Barron, AICP
Senior Planner

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.

ADAMS, JEFF
901 JEFFERSON ST
JEFFERSON CITY, MO 65101
1213 E DUNKLIN ST

HAPPY, STEPHEN H & DORA JANE
10517 DEER RUN RD
JEFFERSON CITY, MO 65101
1215 E DUNKLIN ST
1217 E DUNKLIN ST

HUMPHREY, JAMES
1219 E DUNKLIN ST
JEFFERSON CITY, MO 65101
1219 E DUNKLIN ST

TURNER, KIMBERLY DAWN
1200 COTTAGE LN
JEFFERSON CITY, MO 65101
1200 COTTAGE LN

DOYLE, KOLBI R
WARD, DOUGLAS A
1222 E ELM ST
JEFFERSON CITY, MO 65101
1222 E ELM ST

KOETTING RENTALS L L C
329 HUTTON LN
JEFFERSON CITY, MO 65101
1220 E ELM ST

LEPPER, CRAIG A
1218 E ELM ST
JEFFERSON CITY, MO 65101
1218 E ELM ST

POWELL, SALLY R
1216 E ELM ST
JEFFERSON CITY, MO 65101
1216 E ELM ST

CAREY, DAVID N & LORIE S
1222 COTTAGE LN
JEFFERSON CITY, MO 65101
1222 COTTAGE LN
1220 COTTAGE LN
1218 COTTAGE LN

LOAIZA, NATALIE & RICHARD
1824 CEDAR HILL RD
JEFFERSON CITY, MO 65109
1216 COTTAGE LN

BAX, DAVID MICHAEL
1214 COTTAGE LN
JEFFERSON CITY, MO 65101
1214 COTTAGE LN

COLE, TINA MARIE & MICHAEL A
1223 E DUNKLIN ST
JEFFERSON CITY, MO 65101
1223 E DUNKLIN ST

DENNY, JULIA M
1227 E DUNKLIN ST
JEFFERSON CITY, MO 65101
1227 E DUNKLIN ST

CROWE, GAYLE
% GAYLE RUSH
70 SPRING GARDEN RD
EUGENE, MO 65032
1229 E DUNKLIN ST

KENAN, JUSTIN A
PO BOX 25
CHILLICOTHE, MO 64601
1231 E DUNKLIN ST

THIRD GENERATION PROPERTIES L L C
12418 CO RD 4027
TEBBETTS, MO 65080
1233 E DUNKLIN ST
1219 COTTAGE LN
1217 COTTAGE LN

ADRIAN, ROGER J & MARY E L
TRUSTEES
2315 PLYMOUTH ROCK DR
JEFFERSON CITY, MO 65109
1233 E ELM ST

SMALLWOOD, ANGELA
1231 E ELM ST
JEFFERSON CITY, MO 65101
1231 E ELM ST

CORNERSTONE PROPERTIES OF MISSOURI
L L C
114 CORNERSTONE LN
ST THOMAS, MO 65076
1229 E ELM ST

MCHENRY, THOMAS B
1427 GREEN BERRY RD
JEFFERSON CITY, MO 65101
1227 E ELM ST

BROOKSHIRE, BRIAN & LAURA
18561 S ALBERT ST
HARTSBURG, MO 65039
1224 E ELM ST

DYKE, JOHN M & JOYCE F
913 HALIFAX RD
HOLTS SUMMIT, MO 65043
1226 E ELM ST

NIEMET, WILLIAM C
601 JEFFERSON ST
FULTON, MO 65251
1228 E ELM ST

JONES, WALTER LEE
AKINOLA, DEBORAH HILL
1230 E ELM ST
JEFFERSON CITY, MO 65101
1230 E ELM ST

CAPITAL AREA INVESTMENTS L L C
PO BOX 6712
JEFFERSON CITY, MO 65102-6712
604 HOUCHIN ST

RIVER CITY HABITAT FOR HUMANITY
1420 CREEK TRAIL DR
JEFFERSON CITY, MO 65109
1211 COTTAGE LN (*Subject Property*)
1212 COTTAGE LN

DURHAM, BARBARA J
1215 COTTAGE LN
JEFFERSON CITY, MO 65101
1215 COTTAGE LN

MOSES, DENNIS A
WALTHER, PATRICIA
4125 RT J
JEFFERSON CITY, MO 65101
1221 COTTAGE LN

SCHAFER, TIMOTHY N
1223 COTTAGE LN
JEFFERSON CITY, MO 65101
1223 COTTAGE LN

Case No. B15007
Side Setback Variance
1211 Cottage Lane



185 ft. Notification Buffer

